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Nevada Bar No. 5699

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7 Attorneys for Defendant,

8 **HUSSMANN CORPORATION**

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

13 TRAVELERS PROPERTY CASUALTY  
14 COMPANY OF AMERICA, a Connecticut  
15 Corporation as Subrogee of PACIFIC CHEESE  
CO., INC. and LAKE VALLEY PROPERTIES,  
LLC,

16 Plaintiffs,

17 v.

19 ADVANCED COIL TECHNOLOGY, LLC a  
Minnesota limited liability company; PHOENIX  
20 HOLDINGS OF OWATONNA, INC., a  
Minnesota corporation; HUSSMANN  
21 CORPORATION, a Missouri corporation,  
individually and as successor in interest to Krack  
22 Corporation; BRIGGS ELECTRIC, INC., a  
California Corporation; RAY HEATING  
23 PRODUCTS, INC. dba RHP MECHANICAL  
SYSTEMS, a Nevada Corporation,

24 Defendants.

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HUSSMANN CORPORATION, a Missouri  
27 corporation,

28 Cross-Claimant,

CASE NO: 3:15-cv-00351-LRH-VPC

**STIPULATION AND ORDER FOR  
DISMISSAL, WITH PREJUDICE**

1 v.

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3 ADVANCED COIL TECHNOLOGY, LLC, a  
4 Minnesota limited liability company; PHOENIX  
5 HOLDINGS OF OWATONNA, INC., a Minnesota  
6 corporation; BRIGGS ELECTRIC, INC., a  
7 California Corporation; RAY HEATING  
8 PRODUCTS, INC. dba RHP MECHANICAL  
9 SYSTEMS, a Nevada Corporation, and ZOES 1-  
10 20, inclusive,

11 Cross-Defendants.

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14 BRIGGS ELECTRIC, INC.,

15 Cross-Claimant,

16 v.

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18 ADVANCED COIL TECHNOLOGY, LLC, a  
19 Minnesota limited liability company; PHOENIX  
20 HOLDINGS OF OWATONNA, INC., a Minnesota  
21 corporation; HUSSMAN CORPORATION, a  
22 Missouri corporation, individually and as successor in  
23 interest to Krack Corporation; and RAY HEATING  
24 PRODUCTS, INC. dba RHP MECHANICAL  
25 SYSTEMS, a Nevada Corporation,

26 Cross-Defendants.

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28 RAY HEATING PRODUCTS, INC. dba RHP  
MECHANICAL SYSTEMS,

Cross-Claimant,

v.

ADVANCED COIL TECHNOLOGY, LLC, a  
Minnesota limited liability company; PHOENIX  
HOLDINGS OF OWATONNA, INC., a Minnesota  
corporation; HUSSMAN CORPORATION, a  
Missouri corporation, individually and as successor in  
interest to Krack Corporation; BRIGGS ELECTRIC,  
INC., a California Corporation,

Cross-Defendants.

1 IT IS HEREBY STIPULATED by and between the Parties, Plaintiff, TRAVELERS  
2 PROPERTY CASUALTY COMPANY OF AMERICA AS SUBROGEE OF PACIFIC CHEESE  
3 CO., INC. and LAKE VALLEY PROPERTIES, LLC, by and through its attorneys of record,  
4 KEVIN P. SMITH, ESQ. of the law firm LAW OFFICES OF ROBERT A. STUTMAN, P.C. and  
5 ROBERT P. MOUGIN, ESQ. of the law firm KRING & CHUNG, LLP, and Defendant,  
6 HUSSMANN CORPORATION, by and through its attorney of record, LOREN S. YOUNG, ESQ.  
7 of the law firm LINCOLN, GUSTAFSON & CERCOS, LLP, that Plaintiff's Complaint, Amended  
8 Complaint, Second Amended Complaint, Third Amended Complaint, and Fourth Amended  
9 Complaint are hereby dismissed pursuant to FRCP 41(a)(2), with prejudice, with each party to bear  
10 their own attorney's fees and costs.

11 Additionally, pursuant to FRCP 41(a)(2), the parties hereby agree and stipulate that the Court  
12 retains jurisdiction over the settlement contract for purposes of enforcement of a dismissal-producing  
13 settlement agreement. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 114 S. Ct. 1673, 1677, 511  
14 U.S. 375, 381-382, 128 L. Ed. 2d 391, 398 (1994). The parties hereto agree, stipulate and are so  
15 ordered to comply with the terms of the settlement agreement reached in front of Mediator Floyd  
16 Hale as a condition of dismissal and further agree and stipulate that the Court retains jurisdiction  
17 over the dismissal and settlement for purposes of enforcement. *See Kokkonen*, 114 S. Ct. 1673, 1677  
18 (1994).

19 DATED this 18<sup>th</sup> day of April, 2019.

DATED this 18<sup>th</sup> day of April, 2019.

20 STUTMAN LAW

LINCOLN, GUSTAFSON & CERCOS, LLP

21  
22 /s/ Kevin P. Smith  
KEVIN P. SMITH, ESQ.  
Admitted *Pro Hac Vice*  
23 500 Office Center Dr., Ste. 301  
Fort Washington, PA 19034  
24 Attorneys for Plaintiff, TRAVELERS  
PROPERTY CASUALTY COMPANY  
25 OF AMERICA AS SUBROGEE OF  
PACIFIC CHEESE CO., INC. and LAKE  
26 VALLEY PROPERTIES, LLC

/s/ Loren S. Young  
LOREN S. YOUNG, ESQ.  
Nevada Bar No. 7567  
3960 Howard Hughes Parkway, Suite 200  
Las Vegas, NV 89169  
Attorneys for Defendant,  
HUSSMANN CORPORATION

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1 KRING & CHUNG, LLP

2 /s/ Robert P. Mougin  
3 ROBERT P. MOUGIN, ESQ.  
4 Nevada Bar No. 7104  
5 1050 Indigo Drive, Suite 200  
6 Las Vegas, NV 89145  
7 Attorneys for Plaintiff

8 **ORDER**

9 IT IS SO ORDERED that Plaintiff's Complaint, Amended Complaint, Second  
10 Amended Complaint, Third Amended Complaint, and Fourth Amended Complaint are hereby  
11 dismissed pursuant to FRCP 41(a)(2), with prejudice, with each party to bear their own attorney's  
12 fees and costs.

13 Additionally, pursuant to FRCP 41(a)(2), the Court retains jurisdiction over the settlement  
14 contract for purposes of enforcement of a dismissal-producing settlement agreement. *See Kokkonen*  
15 *v. Guardian Life Ins. Co. of Am.*, 114 S. Ct. 1673, 1677, 511 U.S. 375, 381-382, 128 L. Ed. 2d 391,  
16 398 (1994).

17 DATED this 22<sup>nd</sup> day of April \_\_\_\_\_, 2019.

18   
19 U.S. DISTRICT COURT JUDGE

20 Submitted by:

21 **LINCOLN, GUSTAFSON & CERCOS LLP**

22 /s/ Loren S. Young  
23 LOREN S. YOUNG, ESQ.  
24 Nevada Bar No. 7567  
25 3960 Howard Hughes Parkway, Suite 200  
26 Las Vegas, NV 89169-5968  
27 Attorneys for Defendant,  
28 HUSSMANN CORPORATION

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